

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 OCT 19 AM 9:26

UNITED STATES OF AMERICA,

Magistrate Docket No. 07 MJ 2498

Plaintiff,

COMPLAINT FOR VIOLATION OF: CO DEPUTY

v.

Title 8, U.S.C., Section 1326

Lazaro NAVA-Nava,

Deported Alien Found in the

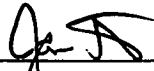
United States

Defendant

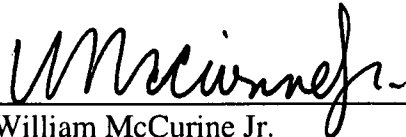
The undersigned complainant, being duly sworn, states:

On or about **October 17, 2007** within the Southern District of California, defendant, **Lazaro NAVA-Nava**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF OCTOBER,
2007


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Lazaro NAVA-Nava****PROBABLE CAUSE STATEMENT**

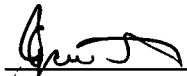
On October 17, 2007 at approximately 9:45 p.m., Senior Patrol Agent G. Perez was advised by Senior Patrol Agent G. Tiscareno who was utilizing an infrared scope, that he had observed two individuals crossing an ATV trail near the Bureau of Land Management (BLM) Gate. This area is located approximately three miles east of the Otay Mesa, California Port of Entry and one mile north of the United States/Mexico International Boundary. The two individuals were traveling west towards the bottom of a hill. Agent Perez arrived at the area and was directed by Agent Tiscareno of the group's last location. After a brief search of the area, Agent Perez found two individuals, including one later identified as the defendant **Lazaro NAVA-Nava**, hiding in a bush. Agent Perez identified himself as Border Patrol Agent and proceeded to conduct an immigration inspection. Both individuals admitted to being citizens and nationals of Mexico without immigration documents that would allow them to be or remain in the United States legally. Both the defendant and the other individual were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 21, 2007** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated that he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico without any immigration documents to enter or remain in the United States legally. The defendant also admitted to being previously deported. The defendant stated that he was destined for Chula Vista, California to live and seek employment.



William McCurine Jr.
U.S. Magistrate Judge



James Trombley
Senior Patrol Agent

10/19/07, 0921 hrs
Date/Time